EXHIBIT M

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HASSAN A. TUCKER,

Plaintiff:

No. 1:22-CV-0631

v.

Judge Conner

JOHN E WETZEL, GEORGE

Electronically Filed Document

LITTLE, CORRECTIONAL and

Complaint Filed 04/29/22

OFFICER KIMBERLEY,

Defendants

DECLARATION OF MATTHEW KIMBERLY

- I, Matthew Kimberly, am an employee of the Commonwealth of Pennsylvania,
 Department of Corrections ("DOC") at the State Correctional Institution at Houtzdale ("SCI Houtzdale").
- 2. In April 2020, I was a Corrections Officer I at the State Correctional Institution at Rockview ("SCI Rockview").
- 3. On April 27, 2020, I was working at SCI Rockview on the 2:00 PM to 10:00 PM shift. See Attachment A (Shift Roster 27 April 2020).
- 4. On April 27, 2020, I was assigned to be a utility/transport officer at the hospital. See Id.
- 5. If inmates are deemed high risk for transport to the hospital, they will be required to wear the Remotely Activated Custody Control ("RACC") belt.

6. An officer assigned to the hospital will then be given a remote control which activates the RACC belt.

7. During my time at SCI Rockview, I never activated the RACC belt.

8. On April 28, 2020, I was working at SCI Rockview on the 2:00 PM to 10:00 PM shift. See Attachment B (Shift Roster 28 April 2020).

9. On April 28, 2020, I was assigned to be the outside security patrol for four (4) hours of my shift and in tower five (5) for four (4) hours of my shift. See Id.

10.On April 29, 2020, I was not working at SCI Rockview as I was scheduled to be off. See Attachment C (Shift Roster 29 April 2020).

11.On April 30, 2020, I was not working at SCI Rockview as I was scheduled to be off. See Attachment D (Shift Roster 30 April 2020).

I, Matthew Kimberly, hereby verify under penalty of perjury in accordance with 28 U.S.C. § 1746 that the foregoing Declaration is true and correct to the best of my knowledge, information, and belief.

Matthew Kimberly

Sergeant

Department of Corrections

SCI Houtzdale

ATTACHMENT A

EF SCI-ROCKVIEW						
Shift: 2-10	DAILY Date: 27	′ ROSTER ′ April 2020	Monday			
	2410. 21					
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Utility/Trans CO1 (Hosp)	Kimberly, M\$					
*= CERT \$=TOWER #=FERT	%=HNT +=HRT	Team "A" Team "B"	! = CCTV @ = Mail			

LEAVE	LEAVE		GROUP	OVERTIME		
OFFICER	CODE	E	F	OFFICER	HOURS	CODE
	▎▐					

SPECIAL A	SSIGNMENTS	SPECIAL ASSIGNMENTS		
OFFICER	ASSIGNMENT	OFFICER	ASSIGNMENT	

Α	Vacancies	J	DOC Bus	S	CN		
В	Security Review- All posts which are above	K	Commission Officer Specify	Т	Stress		
С	Hospital Posts	L	Admin Duties- Meetings, Reports, Late	U	Block Training		
D	Hosp. Post from other institutions	М	Disability Leave (DH, DA, DL, MH)	V	Honor Guard		
Е	Medical Transports	Ν	AW	W	HNT		
F	Medical Transports from other institutions	0	Military Leave (M or MO)	Χ	FERT		
G	Non-Medical Transports	Р	Disciplinary Leave	Υ	CERT/HRT (Specify)		
Н	Non-Medical Transports from other institutions	Q	Bereavement Leave	Z	Out Service		
I POC R FML/			FMLA	AA	All other- Specify		
OVE	OVERTIME JUSTIFICATION WILL BE MARKED ACCORDING TO THE ABOVE LIST						

ATTACHMENT B

FG		OCKVIEW			
Shift: 2-10	DAIL1 Date: 2	' ROSTER 8 April 2020			Tuesday
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		OSP/Twr 5	Relief	Kimberly,	M\$
		23.71			· ·
				1	
*= CERT \$=TOWER #=FERT	%=HNT +=HRT	Team "A"	Team "B"	! = CCTV	@ = Mail

LEAVE		OFF DA	Y GROUP	OVERTIME		
OFFICER	CODE	F	G	OFFICER	HOURS	CODE
			Monoskey,J			

SPECIAL AS	SSIGNMENTS	SPECIAL AS	SIGNMENTS
OFFICER	ASSIGNMENT	OFFICER	ASSIGNMENT

Α	Vacancies	J	DOC Bus	S	CN
В	Security Review- All posts which are above	K	Commission Officer Specify	Т	Stress
С	Hospital Posts	L	Admin Duties- Meetings, Reports, Late	U	Block Training
D	Hosp. Post from other institutions	М	Disability Leave (DH, DA, DL, MH)	V	Honor Guard
Е	Medical Transports	Ν	AW	W	HNT
F	Medical Transports from other institutions	0	Military Leave (M or MO)	Х	FERT
G	G Non-Medical Transports		Disciplinary Leave	Υ	CERT/HRT (Specify)
Н	Non-Medical Transports from other institutions	Q	Bereavement Leave	Z	Out Service
I	I POC R FMLA				All other- Specify
OVER	RTIME JUSTIFICATION WILL BE MARKED ACCOR				

 Shift	Comma	andor
 SIHIT	Comm	ander

ATTACHMENT C

GA		CKVIEW ROSTER	
Shift: 2-10		April 2020	Wednesday
			_
*= CERT \$=TOWER #=FERT	Γ %=HNT +=HRT	Team "A" Team "B"	= CCTV @ = Mail

LEAVE		OFF DA	Y GROUP	OVERTIME		
OFFICER	CODE	<u>G</u>	<u>A</u>	OFFICER	HOURS	CODE
			Kimberly, M\$			

SPECIAL A	SSIGNMENTS	SPECIAL ASSIGNMENTS		
OFFICER	ASSIGNMENT	OFFICER	ASSIGNMENT	
 				

Α	Vacancies	J	DOC Bus	S	CN
В	Security Review- All posts which are above	K	Commission Officer Specify	T	Stress
С	Hospital Posts	L	Admin Duties- Meetings, Reports, Late	U	Block Training
D	Hosp. Post from other institutions	М	Disability Leave (DH, DA, DL, MH)	V	Honor Guard
Е	Medical Transports	Ν	AW	W	HNT
F	Medical Transports from other institutions	0	Military Leave (M or MO)	Χ	FERT
G	Non-Medical Transports	Р	Disciplinary Leave	Υ	CERT/HRT (Specify)
Н	Non-Medical Transports from other institutions	Q	Bereavement Leave	Z	Out Service
I	POC	R	FMLA	AA	All other- Specify
OVE	OVERTIME JUSTIFICATION WILL BE MARKED ACCORDING TO THE ABOVE LIST				

A. 14: A	
Shift Commander	

ATTACHMENT D

AB		OCKVIEW ROSTER	
Shift: 2-10		0 April 2020	Thursday
*= CERT \$=TOWER #=FERT	%=HNT +-HRT	Team "A" Team "B" !=	CCTV @ = Mail
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LEAVE		OFF DA	Y GROUP	OVERTIME		
OFFICER	CODE	<u>A</u>	<u>B</u>	OFFICER	HOURS	CODE
		Kimberly, M\$				

SPECIAL A	SSIGNMENTS	SPECIAL ASSIGNMENTS				
OFFICER	OFFICER ASSIGNMENT		ASSIGNMENT			

Α	Vacancies	J	DOC Bus	S	CN
В	Security Review- All posts which are above	K	Commission Officer Specify	T	Stress
С	Hospital Posts	L	Admin Duties- Meetings, Reports, Late	U	Block Training
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Е	Medical Transports	Ν	AW	W	HNT
F	Medical Transports from other institutions	0	Military Leave (M or MO)	X	FERT
G	Non-Medical Transports	Р	Disciplinary Leave	Υ	CERT/HRT (Specify)
Н	Non-Medical Transports from other institutions	Q	Bereavement Leave	Z	Out Service
Ī	POC	R	FMLA	AA	All other- Specify
OVE	OVERTIME JUSTIFICATION WILL BE MARKED ACCORDING TO THE ABOVE LIST				

CP:44	Commander	
Snitt	Commander	